# EXHIBIT 1

Q. Okay. And, for example, at Dartmouth there's a separate department of economics that has a separate faculty of professors and Ph.Ds who teach economics, correct?

A. Yes. And since the time that I've been at the Tuck School of Business at Dartmouth, three of the faculty members from the department of economics at Dartmouth College in the college of arts and sciences are now faculty members in the Tuck School of Business.

Q. Okay. Faculty members of what exactly?

A. We are all faculty members of management with subspecialties.

Q. Okay. And their subspecialty, for example, would be the economics side of what you would study to get an MBA from Tuck, correct?

A. Yes.

Q. Okay. Do you have any what I would call -- well, are you familiar with the prescription drug approval process in the

United States?

A. I am not an expert, and don't have an opinion on that.

Q. Okay. You do some health-related messaging initiatives, though, don't you? And you study -- I believe you said one of your consumer behavior sort of sub-research interest was health choices, correct?

A. Yes.

Q. Okay. So does that -- do you have some level of knowledge of how prescription drugs are approved in the US?

A. I am an expert on how consumers make health-related decisions. I am not an expert on the approval process for health products and services.

Q. Okay. Do you know what an NDA is, for example?

A. No.

Q. What about an ANDA?

A. No.

Q. Okay. Do you at least have an understanding that prescription drugs can't

A. Yes.

Q. Since that time, do you recall looking at, as part of your work on this case, any FDA regulations regarding prescription pharmaceuticals?

A. As is outlined in my report, I looked at some FDA-sourced material related to the valsartan recall.

Q. That would be FDA announcements and the like specifically related to valsartan, correct?

A. To the best of my recall, yes.

Q. Okay. Do you recall looking at any FDA regulations of general applicability to prescription pharmaceuticals as part of your work in this case?

A. Not that I recall.

Q. Do you know what cGMPs are?

A. I know what the acronym stands for.

Q. Okay. What is that?

A. Current manufacturing -- sorry, current good manufacturing practices.

Q. Okay. Have you actually looked

at what the FDA regulations are regarding cGMPs?

A. I am not an expert on manufacturing processes. I'm an expert on consumer decision-making.

Q. Okay. Have you reviewed any FDA or congressional definitions of adulteration and misbranding of drugs?

A. First, those were multiple questions. Could you ask, and be specific.

Q. Sure, I'll break it down.

Have you reviewed any FDA or congressional definitions of "adulteration"?

A. No.

Q. Okay. Same question for "misbranding."

A. No.

Q. You don't have any expertise in chemistry, do you?

A. Please define "expertise in chemistry."

Q. Have you studied chemistry ever?

A. Only in school, high school.

Q. Okay. So you would not call yourself an expert chemist?
A. No.
Q. How about toxicology?
A. I would not consider myself an expert in toxicology.
Q. I'm going to mark your report, Dr. Keller, as Exhibit 2.
(Whereupon, Keller Exhibit Number 2 was marked for identification.)
MR. GOLDBERG: She has a copy of it.
A. A copy of my report, yes. It's okay, I'm happy to use yours.
BY MR. DAVIS:
Q. You can keep mine, the marked copy, but if you feel more comfortable reviewing yours, that's fine.
A. No, I'm fine with either copy.
MR. DAVIS: Do you want a copy, Seth?
MR. GOLDBERG: I'll take it just for recordkeeping purposes.

other words, approved as safe and effective by the FDA? Is that part of the messaging?

A. I do not recall. My task in this project is to focus on the how versus why components of that message. There are other team members that are focused on other aspects of who gets the message and the context in which they get the message.

Q. Okay. Let's transition.

MR. GOLDBERG: John, if we are transitioning, can we take a break?

MR. DAVIS: Sure. Yeah, that's fine.

THE VIDEOGRAPHER: Off the record at 10:43.

(Whereupon, a recess was taken.)

THE VIDEOGRAPHER: Back on the record at 11:04.

BY MR. DAVIS:

Q. Do you have any understanding of how generic drugs specifically get approved in the US?

A. No.

A. I will repeat why I am not saying that there was no supply. In part, I don't know what supply there already was in the marketplace, I don't know what -- how it was recalled, I don't know what instructions people gave, physicians and otherwise, as to what people should do with whatever supply was available, and I actually from this sentence don't even know.

It says earlier that they're going to work with them. I don't know when they started working with them and allowed them to reenter the market. I don't know.

Q. Do you know what happens to the supply of pharmaceuticals that are already in the market once a recall is announced? Do you know what happens to those pills that are sitting on warehouse shelves or pharmacy shelves after the recall is announced?

A. I am not an expert on this, and I will not form an opinion.

MR. GOLDBERG: John, I think we've been going about 90 minutes.

MR. DAVIS: Sure. Five

my figure on page 43, because they were supplied. And I'm saying that if you went back retrospectively and asked those consumers, Hey, given what you know now about the impurities and whichever way you want to define it -- and that is going to make a difference how you define it and how you communicate it and who communicates it -- how would you assess the value of the work of this -- of the at-issue VCD that you took.

And all this is saying here in my figure is that you will get a range of responses.

Q. What literature do you have to support what appears to be your proposition that an economic damages analysis should be based on a retrospective look as opposed to measuring at the time of injury?

A. I am not a lawyer. I don't have an opinion on that.

Q. Okay. And you're not offering an economic damages analysis here, are you?

A. No.

Q. And you're not qualified to do

this determination, but to say that a drug is worthless because it's -- let me read that again, even if it is efficacious that the economic value is zero is wrong.

Q. Okay. But you testified earlier that you've never done an economic damages analysis in litigation, have you?

A. Correct.

Q. And you've never done one period, right?

A. Correct.

Q. Okay. And you're not an economist, right?

A. I have a bachelor's in economics, but I'm not an economist.

Q. All right. Thank you.

MR. DAVIS: Let's take a quick break, five minutes, and I'm pretty close.

MR. GOLDBERG: Okay.

MR. DAVIS: We can go off the record.

THE VIDEOGRAPHER: Off the record at 3:29.